

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

DOCKET NO. 3:07-cv-00021-FDW

JOHNNIE MAE ROBINSON,

Plaintiff,

vs.

**THE PRESBYTERIAN HOSPITAL d/b/a
PRESBYTERIAN WOUND CARE
CENTER,**

Defendant.

NOTICE

TAKE NOTICE that this matter has been set for hearing on Defendant's Motion for Summary Judgment (Doc. No. 34) to be held at **9:00 a.m.** on **10 April 2008** in Courtroom #1 of the Charles R. Jonas Federal Building in Charlotte, North Carolina. Oral arguments will be limited to fifteen (15) minutes per side. The parties should also be prepared to update the Court as to the status of the parties' settlement discussions. Counsel are directed to have their clients or representatives with settlement authority either present in the courtroom or readily available by telephone at the time of the hearing.

Plaintiff, who is proceeding pro se, is advised that under the provisions of Rule 56(e) of the Federal Rules of Civil Procedure, she is required to submit documents, affidavits, or unsworn declarations made under penalty of perjury, in opposition to the Motion for Summary Judgment and supporting documents filed by Defendant. Rule 56(e)(2) reads:

When a motion for summary judgment is properly made and supported, an opposing party may not rely merely on allegations or denials in its own pleading; rather, its response must—by affidavits or as otherwise provided in this rule—set out specific

facts showing a genuine issue for trial. If the opposing party does not so respond, summary judgment should, if appropriate, be entered against that party.

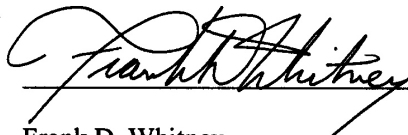
This rule requires that if Plaintiff has any evidence to offer to counter the evidence contained in Defendant's Motion for Summary Judgment and supporting documents, she must present it to the Court in the form of documents, affidavits, or unsworn declarations under penalty of perjury. An affidavit is a written statement made under oath; that is, a statement prepared in writing by the Plaintiff and sworn before a Notary Public. If the Plaintiff chooses, she may instead submit an unsworn declaration and state the following with the date and her signature: "I declare under penalty of perjury that the foregoing is true and correct."

Plaintiff is further advised that she has fourteen (14) days from the filing of this Order in which to file documents, affidavits, or unsworn declarations in opposition to Defendant's Motion for Summary Judgment. **FAILURE TO RESPOND WITHIN THIS TIME PERIOD MAY SUBJECT THIS ACTION TO SUMMARY JUDGMENT.**

THEREFORE, IT IS HEREBY ORDERED that Plaintiff has fourteen (14) days from the filing of this Order in which to provide her own documents, affidavits, or declarations countering the evidence offered by Defendant's Motion for Summary Judgment.

IT IS SO ORDERED.

Signed: March 21, 2008



Frank D. Whitney
United States District Judge

